

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Personnel

Notification

1/21/87-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the post, the Governor of Goa, hereby makes the following rules relating to recruitment to the General Central Service, Group 'A', Gazetted post in the Directorate of Education, Government of Goa, namely: —

1. Short title, application and commencement. —
(1) These rules may be called the Government of Goa, Directorate of Education, Group 'A', Gazetted post, Recruitment Rules, 1989.

(2) *Application.* — These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. Number, classification and scales of pay. — The number of post, classification of the said post and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of post in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. Method of recruitment, age limit and other qualifications. — The method of recruitment to the said post, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. Disqualification. — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax. — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving: — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

7. These rules are issued in consultation with the Goa Public Service Commission.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 19th April, 1989.

SCHEDULE

Name of the post	No of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruit will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Director of Education	1 (1989) Subject to variation dependent on workload.	General Central Service Group 'A' Gazetted	Rs. 3700-125-4700-150-5000	Selection	Not exceeding 50 years (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Government).	<p>Essential:</p> <p>i) At least 2nd class Master's Degree of a recognised University or equivalent.</p> <p>ii) Degree in Teaching/ /Education of a recognised University or equivalent.</p> <p>iii) 10 years' experience in the field of Education including 5 years' in a responsible administrative capacity.</p> <p>(Qualifications relaxable at the discretion of the Goa Public Service Commission in case of candidates otherwise well qualified. In particular the qualifications regarding experience is relaxable in case of candidates belonging to Scheduled Castes or Scheduled Tribes for posts reserved for them).</p> <p>Desirable:</p> <p>i) Knowledge of Konkani and/or Marathi.</p> <p>ii) Experience of work in an examining body e.g. Board of High/Higher Secondary Education.</p>	Age N.A. Educational Qualifications — Yes	Two years	By promotion or by direct recruitment or by transfer on deputation or on contract basis. Particular method to be adopted on each occasion being decided in consultation with Goa Public Service Commission.	<p>Promotion:</p> <p>Deputy Director of Education with 5 years service in the grade rendered after appointment thereto on a regular basis.</p> <p>Transfer on deputation:</p> <p>Officers of the Indian Administrative Service of appropriate seniority having experience in the field of Education.</p> <p align="center">OR</p> <p>Officers from the Central/State Government.</p> <p>a(i) Holding analogous post on a regular basis, or</p> <p>(ii) With 5 years regular service in the scale of Rs. 3000-5000 and above, and</p> <p>b) Possessing educational qualifications and experience prescribed for direct recruits under Column 7.</p> <p>c) Period of deputation shall ordinarily not exceed 3 years.</p> <p>(The departmental officers in the feeder category who are in the direct line of promotion to the post of Director of Education will not be eligible for consideration for appointment on deputation. Similarly deputationists shall not be eligible for considera-</p>	Group 'A' Departmental Promotion Committee consisting of: 1. Chairman/Member of Goa Public Service Commission — Chairman. 2. Development Commissioner or any other Officer of the Government of similar seniority — Member. 3. Administrative Secretary — Member.	Selection of candidates on each occasion shall be made in consultation with the Goa Public Service Commission.

ration for appointment by promotion).
Appointment on short term contract:

Officers from Universities / Educational Institutions possessing the age and Educational Qualification and experience prescribed for direct recruits under Columns 6 and 7 respectively.

The period of short term contract shall ordinarily not exceed 3 years.

Legislature Department

LA/B/184/1989

The following Bill which was introduced in the Legislative Assembly of Goa on 21-4-1989 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 25th April, 1989.

Goa Regulation Of Use Of Pre-Natal Diagnostic Techniques Bill, 1989

(Bill No. 11 of 1989)

A

BILL

to provide for the regulation of the use of medical or scientific techniques or pre-natal diagnosis solely for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital anomalies or sex-linked disorders and for prevention of the misuse of these techniques for the purpose of pre-natal sex-determination leading to female foeticide, for regulation of the introduction of new pre-natal diagnostic techniques and for matters connected therewith or incidental thereto.

Whereas it is expedient to regulate the use of pre-natal diagnostic procedures like amnio-centesis or any other present techniques and the introduction of any future techniques, solely for the purpose of detection of genetic or metabolic disorders or chromosomal abnormalities or certain congenital anomalies or sex-linked disorders and to prevent the misuse of such techniques for pre-natal sex-determination leading to female foeticide, and to provide for matters connected therewith or incidental thereto, be it enacted in the Fortieth Year of the Republic of India as follows:—

CHAPTER 1

Preliminary

1. (1) This Act may be called the Goa Regulation of Use of Pre-Natal Diagnostic Techniques Act, 1989.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint—such date being within one month from the date of enactment of this Act.

2. In this Act, unless the context otherwise requires,—

(a) “advertisement” means any notice, circular, label, wrapper, printed matter or other document on display and also includes any announcement or visible representation made with the help of light, sound, smoke, gas, cinematograph films or video tapes,

(b) "Appropriate Authority" means the State Appropriate Authority constituted by the Government under Section 6,

(c) "Genetic Clinic" or "clinic" means a Government place registered under this Act for the purpose of carrying out the activities of a genetic counselling centre as well as a genetic laboratory,

(d) "Genetic Counselling Centre" or "Centre" means a Government Institute, Hospital, Nursing Home or any place by whatever name called, registered under this Act for providing genetic counselling to patients and for performing obstetrical or gynaecological procedures such as foetoscopy, taking samples of amniotic fluid, Chorionic Villi, blood or any tissue of a pregnant female for being sent to genetic clinic or laboratory for pre-natal diagnostic test,

(e) "Genetic Laboratory" or "laboratory" means a Government place registered as such under this Act which provides facility for carrying out the analysis or tests of samples received from genetic counselling centres for pre-natal diagnostic tests,

(f) "Gynaecologist" means a person who has acquired a post-graduate qualification in Gynaecology after obtaining M.B.B.S. degree,

(g) "Paediatrician" means a person who has acquired a post-graduate qualification in Paediatrics after obtaining M.B.B.S. degree,

(h) "Pathologist" means a person who has acquired a post-graduate qualification in pathology after obtaining the M.B.B.S. degree,

(i) "local Vigilance Committee" means a committee appointed under Section 16,

(j) "Medical Geneticist" means a person who has acquired a degree or diploma or certificate in Medical Genetics in the field of pre-natal diagnostic techniques or has experience of at least two years of work in that field after obtaining any of the following degrees, namely,

(i) M.B.B.S. or any other degree equivalent thereto,

(ii) M. Sc. or Ph.D. in Biological Sciences or any other degree equivalent thereto,

(k) "pre-natal diagnostic procedures" means all gynaecological or obstetrical or medical procedures such as foetoscopy, taking or removing samples of amniotic fluid, Chorionic Villi, blood or any tissue of a pregnant female for being sent to a genetic clinic or laboratory for pre-natal diagnostic test,

(l) "pre-natal diagnostic technique" includes all pre-natal diagnostic procedures and pre-natal diagnostic tests,

(m) "pre-natal diagnostic test" means any test or analysis of amniotic fluid, Chorionic Villi, blood or any tissue of a pregnant female carried out in a genetic clinic or laboratory in order to detect genetic or metabolic disorders or chromosomal abnormalities or certain congenital anomalies or haemoglobinopathies or sex-linked diseases,

(n) "prescribed" means prescribed by rules made under this Act,

(o) "Registered medical practitioner" means a medical practitioner who possesses any recognised medical qualification as defined in clause (h) of Section 2 of the Indian Medical Council Act, 1956, and whose name has been entered in the register prepared or deemed to be prepared and maintained under the Maharashtra Medical Council Act, 1965,

(p) "State Vigilance Committee" means the Committee appointed by the State Government under Section 13.

CHAPTER 2

Regulation of Centre, Laboratory or Clinic and Pre-Natal Diagnostic Procedure and Techniques

3. (1) Only a Government genetic centre, laboratory or clinic or place registered under this Act shall carry out or associate or help in carrying out activities relating to the pre-natal diagnostic techniques with the help of procedures such as amniocentesis, chorionic villi sampling or any other pre-natal diagnostic technique.

(2) No such registered centre, laboratory or clinic shall employ or take services, whether honorary or on payment, from persons, including gynaecologists, who do not possess the prescribed qualifications.

(3) No Medical Geneticist or Gynaecologist or Medical Practitioner or person shall carry out or help in carrying out or cause to carry out either himself or herself or through his/her assistants agents or associates, any pre-natal diagnostic techniques at a place other than a Genetic Counselling Centre, a Genetic Clinic or a Genetic Laboratory registered under this Act.

4. (1) No place including the registered genetic counselling centre or genetic clinic or genetic laboratory shall be used and no person shall use or cause to be used the pre-natal diagnostic techniques, except for the purposes specified in sub-section (2) and (3).

(2) The pre-natal diagnostic technique shall not be used or carried out unless the person qualified to do so is satisfied that any one or more of the following conditions are fulfilled in each case, namely —

(i) Age of the pregnant woman is above 35 years,

(ii) History of two or more spontaneous abortions or foetal loss,

(iii) History of exposure too potentially teratogenic drugs, radiation, infection or hazardous chemicals

(iv) Family history of mental retardation or physical deformities such as spastic or deaf-mute child or any other genetic disease,

(v) Any other conditions as may be approved by the Appropriate Authority.

(3) Documentary evidence certifying that one or more of the conditions stipulated in sub-section (2) are fulfilled must accompany each application of pre-natal diagnosis.

(4) The pre-natal diagnostic technique shall be carried out under this Act solely for the purpose of detection of any one or more of the following abnormalities, namely—

- (i) chromosomal abnormalities,
- (ii) genetic metabolic diseases,
- (iii) haemoglobinopathies,
- (iv) sex-linked genetic diseases,
- (v) congenital anomalies,
- (vi) any other abnormalities or diseases as may be declared by the Appropriate Authority for the purposes of this sub-section.

(5) Before carrying out the pre-natal diagnostic procedure, the person qualified to do so shall obtain

- (a) a written consent of the female patient in the prescribed form after all possible side-effects and after-effects of such procedures are clearly explained to her,
- (b) the written opinion of three concerned specialists like gynaecologist, paediatrician and geneticist/pathologist.

5. On and from the date of commencement of this Act,

(1) No Genetic Counselling Centre, laboratory, clinic, gynaecologist, medical practitioner or any other person shall use or allow to be used the pre-natal diagnostic techniques including ultrasonography for the purpose of indicating the sex of a foetus with or without the possible object of female foeticide.

(2) No centre, laboratory or clinic shall give advertisement in any manner regarding facilities of pre-natal prediction of sex available at the centre, laboratory or clinic.

(3) No person or members of family of a pregnant female shall seek to get the pre-natal diagnostic techniques done for a purpose other than those mentioned under sub-section (3) of section 4.

CHAPTER 3

State Appropriate Authority

6. (1) On the commencement of this Act or as soon thereafter as may be, such period not exceeding three months from the date of commencement of this Act, the State Government shall, by a notification in the Official Gazette, constitute a State Appropriate Authority which shall consist of the following members, namely—

- (i) the Health Secretary, ex-officio Chairperson,
- (ii) the Director of Health Services, ex-officio Secretary,
- (iii) the Dean of Goa Medical College or his/her representative not below the rank of Head of Department, ex-officio member,
- (iv) a representative of women's organisations,
- (v) a representative of voluntary health organisations,
- (vi) a gynaecologist of repute,

(vii) a medical geneticist (or a pathologist of repute, if no medical geneticist is available),

(viii) a representative of the Indian Council of Medical Research.

The members referred to in clauses (iv), (v), (vi), (vii), (viii) shall be nominated by the State Government.

(2) The Appropriate Authority may invite for its meeting the Civil Surgeon or Chief Medical Officer of the local area concerned as an invitee member whenever it thinks necessary.

7. (1) The Appropriate Authority shall meet as and when necessary but not less than two meetings of the committee shall be held every year. The Appropriate Authority may frame rules for conduct of its business.

(2) All decisions in the meetings of Appropriate Authority shall be taken by a simple majority of members present at a meeting and the quorum for a meeting shall be of five members including the Chairperson. The decisions of the Authority shall not be vitiated or held as invalid only on the ground of vacancy or absence of any member.

(3) Any vacancy in the membership of the Authority on account of death, resignation or any other reason shall be filled expeditiously by the State Government and until the vacancy is so filled, the remaining members shall continue to function as if no vacancy has fallen.

(4) The terms, conditions and duration of office of non-official members shall be such as the State Government may, from time to time, determine.

8. (1) The functions of the Appropriate Authority shall be as under, namely—

- (i) to advise Government on policy matters relating to use of pre-natal diagnostic techniques,
- (ii) to recommend to Government charges necessary in the rules prescribed under the Act in keeping with changes in science, evolution of new procedures and techniques and in the light of the experience of the implementation of the Act,
- (iii) to consider all applications made to it under section 9 for grant or section 10 for renewal, of registration to centres, laboratories and clinics,
- (iv) to consider the complaints of breach of provisions of this Act and rules and to take action of suspension of registration of the centres, laboratories or clinics, under Section 11,
- (v) to prescribe guidelines about standards to be maintained by the registered centres, laboratories and clinics,
- (vi) to supervise and monitor the performance of centres, laboratories or clinics,
- (vii) to evolve a code of conduct for those who run the centre, laboratory or clinic and for

persons employed in such centre, laboratory or clinic,

- (viii) to create public awareness against the practice of female foeticide and sex determination tests which results in discrimination against women even from the pre-natal stage,
- (ix) generally to supervise the implementation of the Act and the rules made thereunder,
- (x) to prosecute those violating the provisions of this Act,
- (xi) to take such other action as the State Government may direct.

(2) In discharging its functions under this Act, the Appropriate Authority shall have all the powers of a Civil Court in respect of all matters under the Code of Civil Procedure, 1908, in trying a suit—

- (a) proof of facts by affidavit,
- (b) summoning and enforcing the attendance of any person and examining him on oath or affirmation,
- (c) compelling the production of documents, and
- (d) issuing commissions for the examination of witnesses.

CHAPTER 4

Registration of Centre, Laboratory or Clinic

9. (1) Every Genetic centre, laboratory or clinic engaged either partly or exclusively, in pre-natal diagnostic techniques for any of the purposes mentioned in sub-section (3) of section 4 of this Act shall apply for registration within sixty days from such date as the State Government may, by notification in the Official Gazette, appoint in this behalf, being a date not earlier than the date of constitution of the Appropriate Authority. Such application shall be made in such form and manner and shall be accompanied by such fees as may be prescribed.

(2) Subject to the provisions of section 5, any private centre, laboratory or clinic engaged in pre-natal diagnostic techniques for any of the purposes mentioned in sub-section (3) of section 4 shall cease to carry out any pre-natal diagnostic techniques from the date of commencement of this Act.

(3) No private genetic centre, laboratory or clinic shall be opened after the commencement of this Act.

10. (1) The Appropriate Authority shall, after holding an enquiry, if necessary, and after satisfying itself that all the requirements of this Act as also the rules made thereunder have been complied with, grant a certificate of registration in the prescribed form to the centre, laboratory or clinic as the case may be.

(2) If the requirements of this Act and the rules made thereunder are not complied with, the Appropriate Authority may give reasonable time to the centre, laboratory or clinic to affect such compliance. If, after the enquiry, and giving an opportunity to the centre, laboratory or clinic of being heard, the Appropriate Authority is satisfied that the said

centre, laboratory or clinic has not complied with such requirements, it shall reject the application for registration after giving reasons therefor.

(3) Every certificate of registration shall be renewed in such manner and after such period and on payment of such fees as may be prescribed.

(4) The certificate of registration shall be displayed by the registered centre, laboratory or clinic in some conspicuous place in its place of operation.

11. The appropriate Authority may suo motu, or shall, on receipt of recommendation from the State Vigilance Committee or a local Vigilance Committee, issue a notice to the centre, laboratory or clinic to show cause why its registration should not be suspended for the reasons mentioned in the notice. If after giving a reasonable opportunity to the centre, laboratory or clinic, the Appropriate Authority is satisfied that there has been a breach of guidelines of standards to be maintained as prescribed under sub-section (1) (v) of section 8, it shall suspend its registration until the guidelines as to standards are complied with.

12. (1) The centre, laboratory or clinic of which application for registration has been rejected or against which an order of suspension of registration has been passed by the Appropriate Authority, may within thirty days from the receipt of the order, file an appeal to the State Government in the prescribed manner.

(2) If no appeal against the order of the Appropriate Authority directing suspension of registration has been filed or if the appeal so filed has been rejected by the State Government, the copy of the order of the Appropriate Authority or the State Government as the case may be shall be forwarded by the Appropriate Authority to the Maharashtra Medical Council for taking suitable action against such centre, laboratory or clinic not conforming to prescribed standards.

CHAPTER 5

Vigilance Committees

13. On the commencement of this Act or as soon thereafter as may be, such period not exceeding three months from the date of commencement of this Act, the State Government shall appoint a State Vigilance Committee which shall consist of—

- (i) Secretary of the Appropriate Authority as Chairperson and Convenor,
- (ii) a representative of women's organisations,
- (iii) a representative of health organisations,
- (iv) the Director of Information and Public Relations or her/his representative,
- (v) a gynaecologist of repute,
- (vi) a medical geneticist,
- (vii) a civil surgeon or chief medical officer.

14. The functions of the State Vigilance Committee shall be—

- (a) to pay periodic and surprise visits to the centres, laboratories and clinics with a view to check compliance of the provisions of the Act and the rules,

- (b) to investigate complaints by members of the public or other institutions or in the press about contravention of the provisions of the Act or the rules,
- (c) to seize incriminating evidence or record for further administrative or legal action,
- (d) to recommend to the Appropriate Authority the cancellation or otherwise of registration of, or prosecution against a centre, laboratory or clinic,
- (e) to check and prevent operation of unauthorised centres, laboratories or clinics,
- (f) to take such other action as the Appropriate Authority or the State Government may direct.

15. (1) The State Vigilance Committee shall hold meetings as and when necessary to conduct business which may be placed before it. The Committee shall have powers to frame rules for conduct of its business.

(2) All decisions in the meeting of the State Vigilance Committee shall be taken by a simple majority of members present at the meeting. There shall be a quorum of four members including the Chairperson for a meeting.

(3) The decision or any actions of the State Vigilance Committee shall not be vitiated or held as invalid only on the ground of vacancy or absence of any member.

16. (1) There shall be a local Vigilance Committee for any such local area as the Appropriate Authority may specify. A local Vigilance Committee may consist of the following members, namely —

- (i) Deputy Director of Health Services of the Region, ex officio Chairperson and convenor,
- (ii) District Health Officer of the concerned district,
- (iii) Civil Surgeon or Chief Medical Officer of the local area,
- (iv) any officer not below the rank of Mamlatdar having the powers of Executive Magistrate nominated by the Collector,
- (v) a gynaecologist,
- (vi) a medical geneticist/pathologist,
- (vii) a representative of women's organisations,
- (viii) a representative of health organisations.

(2) The non-official members of the local Vigilance Committee shall be nominated by the Appropriate Authority.

17. (1) All decisions in the meeting of local Vigilance Committee shall be taken by a simple majority of members present at the meeting. There shall be a quorum of four members including the Chairperson for the meeting.

(2) The decision of any action of a local Vigilance Committee shall not be vitiated or held as

invalid only on the ground of vacancy or absence of any member.

(3) All decisions and actions taken by a local Vigilance Committee shall be reported by it to the State Vigilance Committee in such manner and at such intervals as may be prescribed.

(4) The function and powers of the local Vigilance Committee shall be the same as that of the State Vigilance Committee, which shall be discharged by it within its local area.

18. (1) The non-official members of the State Vigilance Committee and the local Vigilance Committee shall be appointed for a period of three years and after expiry of the period of appointment they shall be eligible for re-appointment.

(2) The non-official members of these Committees shall be entitled to sitting travelling and other allowances at such rates as the State Government may, from time to time, determine.

CHAPTER 6

Offences and Penalties

19. (1) Any medical geneticist, gynaecologist, registered medical practitioner or any person who is employed in a centre, laboratory or a clinic or who gives his services to or at such a centre, laboratory or clinic, whether as an honorary or otherwise, and who contravenes any of the provisions of this Act or rules made thereunder shall, on conviction, be liable to be punished with rigorous imprisonment for a term which may extend to five years and with fine which may extend to rupees five thousand:

Provided that in the case of every conviction, the period of sentence shall not be less than three years and fine shall not be less than rupees three thousand:

Provided further that the name of the gynaecologist or the registered medical practitioner who has been convicted by court shall be reported by the Appropriate Authority to the Maharashtra Medical Council for taking suitable action including that of suspension of his name from the register of the Council for a period of two years for the first offence and for permanent removal for any subsequent offence.

(2) Any person who seeks the aid of a centre, laboratory or clinic or of a medical geneticist or a gynaecologist or a medical practitioner for carrying out pre-natal diagnostic techniques on a pregnant female for any purpose other than those specified in sub-section (3) of section 4 shall, on conviction, be liable to be punished with rigorous imprisonment for a term which may extend to three years and with fine which may extend to rupees three thousand:

Provided that in the case of every conviction under this sub-section the period of sentence shall not be less than two years and fine shall not be less than rupees two thousand.

Provided further that the Court shall always presume that a woman who seeks such aid of pre-

-natal diagnostic procedures on herself is completely and absolutely innocent and that she *may* have been compelled to do so by her husband or members of his family who shall, on conviction, be liable to be punished for abetment of the offence under this sub-section for the same sentence. The woman who seeks such aid of pre-natal diagnostic procedures shall, therefore, not be subject to any form of punishment.

(3) Whoever contravenes any of the provisions of this Act or any rule or direction issued thereunder, for which no penalty has elsewhere been provided in this Act, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or both, and in the case of continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

20. Every offence punishable under subsection (1) or (2) of section 19 shall be cognisable, non-bailable and non-compoundable.

21. (1) The Court shall take cognisance of any offence under this Act on a complaint made by—

(a) the Appropriate Authority, State or local Vigilance Committee or any officer authorised in this behalf by the State Government or the Appropriate Authority or the State or local Vigilance Committee.

(b) any individuals or groups who desire to move the Court in this regard.

(2) Where a complaint has been made under clause (b) of sub-section (1), the Court may, on demand by such person, direct the Authority or Vigilance Committee to make available the relevant record in its possession to that person.

CHAPTER 7

Miscellaneous

22. (1) All records, charts, forms, reports, consent letters and all other documents required to be maintained under this Act and the rules shall be preserved for a period of two years or such period as may be prescribed.

Provided that if any criminal or other proceedings are instituted against any centre, laboratory or clinic, the records and all other documents of such centre, laboratory or clinic shall be preserved till the final disposal of such proceedings.

(2) All such records shall, at all reasonable times, be made available for inspection to the members of the Appropriate Authority or members of the State or local Vigilance Committee or any other member duly authorised by the State Government in this behalf.

23. (1) If the Appropriate Authority or the State or local Vigilance Committee has reason to believe that any breach of the provisions of this Act been committed at any centre, laboratory or clinic, or that pre-natal diagnostic techniques are used for

prediction of sex, then the Chairperson of the State or local Vigilance Committee or any other member duly authorised by the State Government, the Authority or the Committee shall have power to search the premises of such centre, laboratory or clinic and to seize such records and documents as may be necessary, on granting a receipt for the same, and the records and documents so seized shall be retained by the Authority or the Committee for so long a period as may be necessary in connection with any proceeding or for a prosecution under this Act.

(2) The provisions of the Code of Criminal Procedure, 1973, shall apply to the proceedings taken under sub-section (1) and the person taking such proceeding shall take the assistance of a police officer of the nearest police station, whenever necessary.

24. No suit prosecution or other legal proceeding shall lie against the State Government, State or local Vigilance Committee or any person acting under their authority for anything which is in good faith done or intended to be done under this Act.

25. Those who have been involved in use of and those who have supported use of pre-natal diagnostic techniques for sex determination and female foeticide or other violations of the medical code of ethics or criminal negligence shall be disqualified for appointment to implementation bodies under this Act.

26. (1) The State Government may, subject to the condition of previous publication in the Official Gazette, make rules for carrying out the purposes of this Act.

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (i) the minimum qualifications of the persons employed at a registered centre, laboratory or clinic,
- (ii) the form and manner of application for registration, records to be maintained, consent of a female patient to be obtained at registered centre or laboratory or clinic,
- (iii) minimum equipments necessary at the centre, laboratory or clinic,
- (iv) the standards to be maintained by the centre or laboratory or clinic,
- (v) the code of conduct of persons working at the centre or laboratory or clinic,
- (vi) the manner in which an appeal may be filed to the State Government against the order of refusal or suspension of registration,
- (vii) the duration of validity of registration, procedure of renewal of registration and fees to be charged for registration and renewal thereof,
- (viii) manner of and intervals at which a local Vigilance Committee shall report its deci-

sions and actions to the State Vigilance Committee,

(ix) the records, charts, reports and other documents to be maintained in centre, laboratory or clinic, period for which such,

(x) any other matter that is required or may be prescribed under this Act.

(3) Every rule made under this section shall be laid as soon as possible after it is made before the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, and notifies such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be, so, however, that any modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Statement of Objects and Reasons

The census records from 1901 onwards show that in Goa the proportion of women in the population is declining. The present sex ratio, according to the 1981 census is 1000:981 in favour of males. The misuse of pre-natal diagnostic techniques will no doubt abet this disturbing and dangerous trend and women in Goa may soon be on the way to becoming an "endangered species".

Research studies on societies with adverse female sex ration reveal that customs like polyandry, abduction and purchase of women are widely prevalent. Besides adverse sex ratios lead to an increase in incidence of rape, prostitution and grave controls over women.

Sex determination tests can only ensure multiple abortions which can do immense harm to women's health. The implicit assumption of these tests is that women's bodies are to be tampered with, experimented upon, without bothering about the effects of such tests on them. There are also many medical risks and even fatalities involved in tests like amniocentesis which are seldom explained to the woman before she undergoes the test even for the purpose of detecting genetic deformities.

Today we have one clinic in Goa, tomorrow it could be 1000 clinics, which would make the problem assume even more alarming proportions, besides involving many more difficulties in monitoring the ban, much more expense and a whole lobby of doctors conducting these tests for sex determination, to contend with.

Maharashtra is a stark example of the magnitude the problem assumed in a matter of a few years. With legislation regulating use of pre-natal diagnostic techniques in Maharashtra, people from Maharashtra are turning elsewhere. Already reports have been appearing in national papers about sex determination clinics thriving in Goa and Gujarat, following the ban in Maharashtra.

The need of the hour, is therefore an urgent and immediate legislation.

Financial Memorandum

An approximate expense of Rs. 10,000, for travelling, sitting and other allowances for non-official members on the implementation bodies under this Act and for stationery and other miscellaneous expenses is involved.

Panaji,
31-3-1989.

J. B. GONSALVES
M. L. A.

Assembly Hall,
Panaji,
7-4-1989.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.

LA/B/184/1989

The following Bill which was introduced in the Legislative Assembly of Goa on 21-4-1989 is hereby published for general information in pursuance of the provisions of Rule-136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

Panaji, 25th April, 1989.

The Goa University (Amendment) Bill, 1989

(Bill No. 16 of 1989)

A

BILL

to amend the Goa University Act, 1989.

Be it enacted by the Legislative Assembly of Goa in the Fortieth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa University (Amendment) Act, 1989.

(2) It shall come into force at once.

2. *Amendment of section 8.*—

(i) In section 8 of the Goa University Act, 1984 (7 of 1984) (hereinafter referred to as the principal Act) the following sub-section (a) may be inserted in sub-section 2 namely;

“(a) The Visitor shall cause an inquiry in respect of any matter connected with the Administration or finance of University, Colleges or institutions whenever such representations are made individually or collectively by the teachers or any persons interested in Education within one month of such requests.”

(ii) In sub-section 3(b) the following shall be deleted “and the University, College or institute, as the case may be, shall have the right to make such representations to the visitor, as it may consider necessary.”

(iii) Sub-section (4) shall be deleted.

(iv) Following sub-section shall be substituted.

(8) The Executive Council or the College or institution, as the case may be, shall communicate through the Vice-Chancellor to the Visitor compliance of action taken upon the result of such inspection or inquiry within three months.

(v) Sub-section (9) and (11) shall be deleted.

3. *Amendment to Section 12.*—In section 12 of the Principal Act for the word "appointed" the word "elected" shall be substituted.

4. *Amendment to Section 13.*—In section 13 of the principal Act—In sub-section (1) the following shall be inserted:

(a) The Statutes prescribing appointment of the Registrar should provide only those qualifications and experience which are provided for the post of Registrar throughout the Universities in the States of the Union of India.

5. *Insertion of new Section 16-A.*—After Section 16 of the Principal Act the following section shall be inserted:

"16-A Percentage of elected and nominated members. Every authority of the University shall consist of seventy per cent elected and thirty per cent nominated members.

6. *Substitution of new Section for Section 17.*—For Section 17 of the Principal Act, the following Section shall be substituted:

17. (1) The Court shall be the principal authority for all financial estimates and budgetary appropriations.

(2) Subject to such conditions as are prescribed by or under this Act, the Court shall exercise the following powers and perform the following duties, namely:—

- (i) Make, amend or repeal Statutes;
- (ii) Consider and refer back but not amend Ordinances;
- (iii) Consider and pass resolutions on the annual reports.
- (iv) Consider the annual accounts of University and the audit report on such accounts, and pass such resolutions, thereon as it thinks fit;
- (v) Consider the annual financial estimates placed before it by the Executive Council, and pass such estimates in part or in whole, or with such modifications, if any, as it thinks fit;
- (vi) Consider the reports submitted by the University Accounts Committee and take such action thereon as it thinks fit;
- (vii) Review, from time to time, the policies and programmes of the University, and suggest measures for its improvement and development;
- (viii) Recommend to the Executive Council to provide for instruction, teaching and train-

ing in such branches of learning and courses of studies as it thinks fit, for research and for the advancement and discrimination of knowledge;

(ix) Recommend to the Executive Council to make such provision as may enable Colleges and institutions to undertake specialisation of studies, and to organise and make provision, where necessary or desirable, for common laboratories, libraries, museums and equipment for teaching and research;

(x) Exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act, the Statutes, Ordinances and Regulations.

7. *Amendment to Section 23.*—The Sub-Section (2) and (5) of the Section 23 of the Principal Act shall be deleted.

8. *Amendment to Section 27.*—In Sub-section (2) of the Section 27 of the Principal Act, the following shall be inserted:

(a) The follow up actions on the observations of the Comptroller and Auditor General shall be taken within two months of the submission of Audit Report and reported forthwith to the Visitor and shall be included in the Annual Report of the University.

9. *Amendment to Section 28.*—In section 28 of the Principal Act sub-section (3) shall be deleted.

10. *Amendment to Section 38.*—In Section 38 of the Principal Act in Sub-section (b) after the words "three years" insert "and cease to hold office after the term of three years".

11. *Amendment of Schedule.*—(i) In Schedule to the Principal Act, (i) In clause 2 of the Statute 1 both the provisos shall be deleted and the new sub-clause (a) after the clause (2) shall be inserted namely:—

(a) The successor to the Vice-Chancellor shall be selected two months before the expiry of his term. The New Vice-Chancellor shall enter the office as soon as the term of his predecessor expires.

(ii) (a) In clause (2) of the statute 4 the following shall be added after the word "Ordinances"

"and they shall be identical to those prevailing in the Universities in the States of the Indian Union".

(b) In clause (2) of the statute 4 the second proviso shall be substituted as follows namely:—

"Provided that the successor to the Registrar shall be selected three months before the date of his retirement. The new Registrar shall take charge as soon as his predecessor vacates the office on attaining the age of sixty years".

(iii) Clause (5) of the statute 4 following shall be substituted namely:—

"(5) The Registrar shall be ex-officio Secretary to the Court, the Executive Council, the

Academic Council, the Finance Committee, the Planning Board and the Boards of studies but shall not be deemed to be a member of any of these Authorities. He shall not participate in the discussions and shall not have a right to vote".

(iv) In clause (1) of the statute 6 the following proviso shall be inserted:

"Provided that the Court shall meet at least four times during every Academic year".

(v) In clause (5) of the statute 6 after the words "by the Registrar" the following shall be inserted:

"Or at the request of any eight (one-fifth of total Membership of the Court) Members of the Court."

(vi) The clause (2) of the statute 26 shall be deleted.

Amendments to the Goa University Act, 1984

Statement of Objects and Reasons

First and foremost objective behind the establishment of Goa University is to set up one of the best Centres of Excellence in higher education in Goa. Certain ambiguities in the Goa University Act, 1984 have encouraged malpractices and their continuation is likely to tarnish the name and image of Goa University. Presently, checks and balances which regulate democratic institutions and guarantee accountability do not exist in the working of Goa University. The interpretation of the provisions of the Goa University Act by the University Administrators and the Statutes framed by the University Authority (Executive Council) are sure to destroy our basic objective namely Academic Excellence. Therefore, to make Goa University one of the best Centres of Excellence, the following needs to be amended Goa University Act, 1984.

Section 8 of the Goa University Act, 1984 has been amended so that the visitor shall cause an enquiry within one month of such request and the Executive Council or the College or Institution shall communicate to the visitor the compliance of action taken subsequent to inspection or enquiry within three months.

Similarly Section 12 of the Goa University Act, 1984 has been amended to seek election of the Dean of faculties instead of appointment and Section 13 has been amended so that Statutes should prescribe the qualification and experience for the post of Registrar. A new Section 16-A has been inserted to the Principal act to keep a healthy percentage of 70 percent elected and 30 percent nominated keeping in view of the democratic functioning of the Government. Section 17 of the Principal Act has been over hauled for better functioning accountability and democratic functioning of the University and accordingly sub-section (2) and (5) of the Section 23 of the Principal Act are deleted.

The other amendments to the Principal Act and the Statute are self explanatory and essential for the smooth democratic functioning of the University.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji,
10th March, 1989.

LUIZINHO FALEIRO
M.L.A.

Assembly Hall
Panaji,
17th March, 1989.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa

(Annexure to Bill No. 16 of 1989)

The Goa University (Amendment) Act, 1989

The Goa University Act, 1984

Section 8. *Visitor*. — (1) The Governor of the Union territory shall be the Visitor of the University.

(2) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipments, and of any college or institution maintained by the University; and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration of finance of the University, colleges or institutions.

(3) The Visitor shall, in every case give notice of his intention to cause an inspection or inquiry to be made —

(a) to the University, if such inspection or inquiry is to be made in respect of the University, college or institution maintained by it; or

(b) to the college or institution if the inspection or inquiry is to be made in respect of the college or institution admitted to the privileges of the University;

and the University, college or institution, as the case may be, shall have the right to make such representations to the Visitor, as it may consider necessary.

(4) After considering the representations, if any, made by the University, college or institution, as the case may be, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (2).

(5) Where any inspection or inquiry has been caused to be made by the Visitor, the University or college or institution, as the case may be, shall be entitled to appoint a representative who shall have the right to be present and to be heard at such inspection or inquiry.

(6) The Visitor may, if the inspection or inquiry is made in respect of the University or any college or institution maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the Visitor with such advice as the Visitor may be pleased to offer upon the action to be taken thereon.

(7) The Visitor may, if the inspection or inquiry is made in respect of any college or institution admitted to the privileges of the University, address the college or institution concerned through the Vice-Chancellor with reference to the results of such inspection or inquiry.

(8) The Executive Council or the college or institution, as the case may be, shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(9) Where the Executive Council or the college or institution, as the case may be, does not, within a reasonable

time, take action to the satisfaction of the Visitor, the Visitor may, after considering the explanation furnished or representation made by the Executive Council or the college or institution, as the case may be, issue such directions as he may think fit and the Executive Council or the college or institution, as the case may be, shall comply with such directions.

(10) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceedings of the University which is not in conformity with this Act, Statutes or Ordinances:

Provided that before making such order he shall call upon the University or the college or institution, as the case may be, to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

(11) The Visitor shall have such other powers as may be prescribed by the Statutes.

Section 12. Deans of Faculties.—Every Dean of a Faculty shall be appointed in such manner, and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Section 13. The Registrar.—(1) The Registrar shall be appointed in such manner as may be prescribed by the Statutes.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such other powers and perform such other duties as may be prescribed by the Statutes.

Section 16. Authorities of the University.—The following shall be the authorities of the University:—

- (1) The Court;
- (2) The Executive Council;
- (3) The Academic Council;
- (4) The Faculties;
- (5) The Finance Committees;
- (6) Such other authorities as may be declared by the Statutes to be authorities of the University.

Section 17. The Court.—(1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes.

(2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—

- (a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;
- (b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;
- (c) to advise the Visitor in respect of any matter which may be referred to it for advice; and
- (d) to perform such other functions as may be prescribed by the Statutes.

Section 23. Statutes how made.—(1) The first Statutes are those set out in the Schedule.

(2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1):

Provided that the Executive Council shall not make, amend or repeal any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.

(3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the approval of the Visitor who may assent thereto or withhold assent or remit the same to the Executive Council for consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1) during the period of three years immediately after the commencement of this Act:

Provided that the Visitor may, on the expiry of the said period of three years, make, within one year from the date of such expiry, such detailed Statutes as he may consider necessary and such detailed Statutes shall be laid before the Legislative Assembly.

Section 27. Annual Accounts.—(1) The annual accounts and balance-sheet of the University shall be prepared under the directions of the Executive Council and shall once at least every year and at intervals of not more than fifteen months be audited by the Comptroller and Auditor General of India.

(2) The annual accounts when audited shall be published in the Official Gazette and a copy of the Accounts together with the report of the Comptroller and Auditor General shall be submitted to the Senate and the Visitor alongwith the observations of the Executive Council.

(3) Any observations made by the Visitor on the annual account shall be considered by the Executive Council and its explanation/clarification thereon shall be submitted to the Visitor.

(4) A copy of the accounts together with the report of the Comptroller and Auditor-General of India, as submitted to the Visitor, shall also be submitted to the Government which shall, as soon as may be, cause the same to be laid before the Legislative Assembly.

Section 28. Conditions of service of employees.—(1) Every employee of the University shall be appointed under a written contract which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

(2) Any dispute arising out of a contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member nominated by the employee concerned, a representative of the Executive Council and an umpire appointed by the Visitor.

(3) The decision of the Tribunal shall be final, and no suit shall lie in any civil court in respect of the matters decided by the Tribunal.

(4) Every such request shall be deemed to be a submission to arbitration upon the terms of this section, within the meaning of the Arbitration Act, 1940.

Section 38. Transitional provisions.—Notwithstanding anything contained in this Act and the Statutes—

(a) the first Chancellor and the first Vice-Chancellor shall be appointed by the Visitor and each of the said officers shall hold office for a term of five years;

(b) the first Registrar and the first Finance Officer shall be appointed by the Visitor and each of the said officers shall hold office for a term of three years;

(c) the first Senate and the first Executive Council shall consist of not more than thirty members and eleven members respectively, who shall be nominated by the Visitor and shall hold office for a term of three years;

(d) the first Academic Council shall consist of not more than twenty-one members, who shall be nominated by the Visitor and shall hold office for a term of three years;

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Visitor, and the person so appointed or nominated shall hold office for so long as the office or member in whose place he is appointed or nominated would have held office, if such vacancy has not occurred.

THE SCHEDULE

[See section 23(1)]

The Statutes of the University

1. **The Vice-Chancellor.**—(1) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(2) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office:

Provided that notwithstanding the expiry of the said period of five years, he shall continue in office until his successor is appointed and enters upon his office:

Provided further that the Visitor may direct that a Vice-Chancellor, whose term of office has expired, shall continue in office for such period, not exceeding a total period of one year, as may be specified in the direction.

(3) Notwithstanding anything contained in clause (2), a person appointed as Vice-Chancellor shall, if attains the age of sixty-five years during the term of his office or any extension thereof retire from office.

(4) The emoluments and other terms and conditions of service of the Vice-Chancellor shall be as follows:—

(i) there shall be paid to the Vice-Chancellor a salary of rupees three thousand per mensem and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence;

(ii) the Vice-Chancellor shall be entitled to such benefits and allowances as may be fixed by the Executive Council with the approval of the Visitor from time to time:

Provided that where an employee of—

(a) the University, college or institution; or

(b) any other University, college or institution maintained by, or affiliated to, that University;

is appointed as Vice-Chancellor, he shall be allowed to continue to contribute to the provident fund to which he is a subscriber and the contribution of the University shall be limited to what he had been contributing immediately before his appointment as Vice-Chancellor.

(iii) the Vice-Chancellor shall be entitled to travelling allowances at such rates as may be fixed by the Executive Council;

(iv) the Vice-Chancellor shall be entitled to leave on full pay for one-eleventh of the period spent by him in active service;

(v) the Vice-Chancellor shall also be entitled on medical grounds or otherwise to leave without pay for a period not exceeding three months during the term of his office:

Provided that such leave may be converted into leave on full pay to the extent to which he is entitled to leave under sub-clause (iv).

(5) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise or if he is unable to perform his duties owing to absence, illness or any other cause, the senior-most Professor shall perform the duties of the Vice-Chancellor until a new Vice-Chancellor assumes office or until the existing Vice-Chancellor attends to the duties of his office, as the case may be.

2. Powers and duties of the Vice-Chancellor.—(1) The Vice-Chancellor shall be ex-officio Chairman of the Court, the Executive Council, the Academic Council and the Finance Committee, and shall, in the absence of the Registrar preside at the convocations of the University held for conferring degrees. The Vice-Chancellor shall be entitled to be present at, and to address, any meeting of any authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.

(2) It shall be the duty of the Vice-Chancellor to see that the Act, these Statutes, the Ordinances and the Regulations are duly observed and he shall have all powers necessary to ensure such observance.

(3) The Vice-Chancellor shall have the power to convene or cause to be convened meetings of the Court, the Executive Council, the Academic Council and the Finance Committee.

3. Deans of Faculties.—(1) Every Dean of a Faculty shall be appointed by the Vice-Chancellor from amongst the Professors in the Faculty for a period of three years and he shall be eligible for re-appointment:

Provided that a Dean on attaining the age of sixty years shall cease to hold office:

Provided further that if at any time there is no Professor in a Faculty, the Vice-Chancellor shall exercise the powers of the Dean of the Faculty.

(2) When the office of the Dean is vacant or when he is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of his office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The Dean shall be the Head of the Faculty and shall be responsible for the conduct and maintenance and the standards of teaching and research in the Faculty.

(4) The Dean shall have such other functions as may be prescribed by the Ordinances.

(5) The Dean shall have the right to be present and speak at any meeting of the Boards of Studies or Committees of the Faculty, as the case may be, but shall not have the right to vote thereat unless he is a member thereof.

4. Registrar.—(1) The Registrar shall be a whole-time salaried officer of the University.

(2) The emoluments and other terms and conditions of service of the Registrar shall be such as may be prescribed by the Ordinances:

Provided that the Registrar shall retire on attaining the age of sixty years:

Provided further that a Registrar shall, notwithstanding his attaining the age of sixty years continue in office until his successor is appointed and enters upon his office or until the expiry of a period of one year whichever is earlier.

(3) When the office of the Registrar is vacant or when the Registrar is, by reasons of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) (a) The Registrar shall have power to take disciplinary action against such of the employees, excluding teachers of the University and the academic staff, as may be specified in the orders of the Executive Council, and to suspend them pending inquiry, to administer warning to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be, imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any of the penalties specified in sub-clause (a):

(c) In a case where the inquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall upon conclusion of the inquiry, make a report to the Vice-Chancellor along with his recommendations:

Provided that an appeal shall lie to the Executive Council against an order of the Vice-Chancellor imposing any penalty.

(5) The Registrar shall be ex-officio Member-Secretary of the Court, and shall also be ex-officio Secretary of the Executive Council, the Academic Council and the Boards of studies but shall not be deemed to be a member of any of these authorities.

(6) It shall be the duty of the Registrar,—

(a) to be the custodian of the records, the common seal and such other property of the University as the Executive Council shall commit to his charge;

(b) to issue all notices convening meetings of the Court, the Executive Council, the Academic Council, the Boards of studies, the Boards of Examiners and of any Committees appointed by the authorities of the University;

(c) to keep the minutes of all the meetings of the Court, the Executive Council, the Academic Council the Board of studies, the Boards of Examiners and of any Committees appointed by the authorities of the University;

(d) to conduct the official correspondence of the Court, the Executive Council and the Academic Council;

(c) to supply to the Visitor, copies of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of such meetings;

(f) to represent the University in suits or proceedings by or against the University, sign powers of attorney and verify pleadings or depute his representative for the purpose; and

(g) to perform such other duties as may be specified in these Statutes, the Ordinances or the Regulations or as may be required, from time to time, by the Executive Council or the Vice-Chancellor.

5. *Finance Officer.*—(1) The Finance Officer shall be a whole-time salaried officer of the University.

(2) The emoluments and other terms and conditions of service of the Finance Officer shall be such as may be prescribed by the Ordinances:

Provided that a Finance Officer shall retire on attaining the age of sixty years:

Provided further that the Finance Officer shall, notwithstanding his attaining the age of sixty years, continue in office until his successor is appointed and enters upon his office, or until the expiry of a period of one year, whichever is earlier.

(3) When the office of the Finance Officer is vacant or the Finance Officer is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) The Finance Officer shall be *ex-officio* Secretary of the Finance Committee, but shall not be deemed to be a member of such Committee.

(5) The Finance Officer shall,—

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy;

(b) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by those Statutes or the Ordinances:

Provided that the Finance Officer shall not incur any expenditure or make any investment exceeding ten thousand rupees without the previous approval of the Executive Council.

(6) Subject to the control of the Executive Council, the Finance Officer shall,—

(a) hold and manage the property and investments of the University including trust and endowed property;

(b) ensure that the limits fixed by the Executive Council for recurring and non-recurring expenditure for a year

are not exceeded and that all moneys are expended on the purposes for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University and for their presentation to the Executive Council;

(d) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(e) watch the progress of the collection of revenue and advise on the methods of collection employed;

(f) ensure that the registers of buildings, land, furniture and equipments are maintained up-to-date and that stock-checking is conducted, of equipment and other consumable materials in all offices, Special Centres, Specialised Laboratories, colleges and institutions maintained by the University;

(g) call for explanation for unauthorised expenditure and for other financial irregularities and suggest disciplinary action against persons at fault; and

(h) call for from any office, Centre, laboratory, college or institution maintained by the University, and information or returns that he may consider necessary for the performance of his duties.

(7) The receipt of the Finance Officer or of the person or persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for payment of such money.

6. *Meetings of the Senate.*—(1) An annual meeting of the Senate shall be held on a date to be fixed by the Executive Council unless some other date has been fixed by the Senate in respect of any year.

(2) At an annual meeting of the Senate, a report of the working of the University during the previous year, together with a statement of the receipts and expenditure, the balance-sheet, as audited, and the financial estimates for the next year shall be prescribed.

(3) A copy of the statement of receipts and expenditure, the balance-sheet and the financial estimates referred to in clause (2) shall be sent to every member of the Senate at least seven days before the date of the annual meeting.

(4) Twelve members of the Senate shall form a quorum for a meeting of the Senate.

(5) Special meetings of the Senate may be convened by the Executive Council or the Vice-Chancellor, or, if there is no Vice-Chancellor, by the Registrar.

Assembly Hall
Panaji, 16-4-1989.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa.